

CITY COUNCIL PROCEEDINGS

FEBRUARY 8, 2000

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 8, 2000
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Lambke, Martz, Pisciotte, Rogers; present. *Council Member Gale absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Marlin White, Unity Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of February 1, 2000, were approved 6 to 0. (Gale absent)

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

*Council Member Gale present.

PUBLIC AGENDA

Comments by Dr. Manfred Menking.

Dr. Manfred Menking

Dr. Manfred Menking, said the Pediatrics Society had signed a petition asking for fluoridation of City of Wichita water. Over 3,000 signatures were collected, all in favor of fluoridation.

Fluoridation is of benefit to all children, particularly those who receive sporadic dental care. It is estimated that there are 24,000 economically disadvantaged children in Wichita. To provide supplemental fluoridation for one year would cost more than fluoridating the entire water system for many years.

NEW BUSINESS

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Goldsmith's proposes to construct a new \$2.55 million corporate headquarters and distribution center near 37th Street and Rock Road in northeast Wichita. Goldsmith's new facility design will consist of three operations divisions. Division one is a state-of-the-art design and education center. This area will have technological capabilities utilized for planning office set-up, environmental issues, and visualization of solutions. Division two will be a 14,000 SF area utilized for sales, marketing, and all corporate offices. Division three will be a 26,000 SF area utilized for product installation, furniture repair, inventory management, and distribution. The 26,000 SF warehouse facility will also be utilized to house inventory for g2i Budget Furniture, a subsidiary of Goldsmith's, Inc. The g2i component provides in-stock furniture to its customers.

Goldsmith's tri-division concept for the proposed new corporate headquarters will allow efficient transition of state-of-the-art office systems design, to sales and marketing, to installation and distribution.

Goldsmith's operates additional facilities in Dallas, TX and Ft. Worth, TX. Rather than relocate corporate headquarters to Texas, the proposed bond-financed project will ensure Goldsmith's maintains their corporate headquarters in Wichita. Maintaining a corporate headquarters in Wichita protects 20 existing corporate executive jobs and will create at least 25 new jobs over the next five years.

An analysis of the uses of project funds is:

USES OF FUNDS

Land	\$ 300,000
Building and Improvements	2,000,000
Furniture, Fixtures, and Equipment	250,000
Financial Cost and Contingency	<u>100,000</u>
Total Cost of Project:	\$2,650,000

It is anticipated that the firm serving as the City's contract Bond Counsel at the time of issuance of these bonds will serve as Bond Counsel for the issuance of these bonds. Bonds will be purchased by the Bank of Oklahoma, no bonds will be offered to the public. Goldsmith's, Inc. agrees to comply with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research has conducted a cost-benefit analysis. The resulting benefit-to-cost ratios are 2.08 to 1 for the City; 1.75 to 1 for the County; 1.04 to 1 for U.S.D. 259; and 11.26 to 1 for the State.

Goldsmith's, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. In conjunction with the bond issue, Goldsmith's, Inc. is requesting a five-plus-five-year 100% tax exemption on all bond-financed property. Goldsmith's qualifies for a 100% five-plus-five-year tax exemption on the basis of the project being corporate headquarters in Wichita.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Pisciotte moved that the public hearing be closed; the six-month Letter of Intent to Goldsmith's, Inc. for issuance of Industrial Revenue Bonds in an amount not-to-exceed \$2.7 million for a five-plus-five-year 100% tax exemption on all bond-financed property, subject to Standard Letter of Intent conditions, be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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present. Several stated that they agreed with the need to pave the street, but were concerned about the cost. One property owner that lives outside the improvement district adjacent to the section of Lewis that would remain unpaved stated that should the Council approve the project, it should be extended east to Ellson.

Lewis, east of Greenwich, is a sand road that provides access to a residential and commercial area.

The project budget contained in the Petition is \$206,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated rate of assessment is \$00.27 per square foot of ownership.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Pisciotte moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-040

Resolution of findings of advisability and Resolution authorizing improving of Lewis Street, from the east line of Greenwich Road, east to the east line of Schofield-Hatchett Fourth Addition, 472-81275 (north of Kellogg, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

WATER SYSTEM

PETITION FOR A WATER DISTRIBUTION SYSTEM TO SERVE AN AREA ALONG BYRON AND BYRON COURT. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 00-0140.

The signatures on the Petition represent 2 of 4 (50%) of resident owners and 69.2% of the improvement district area. A January 20, 2000 neighborhood meeting was held to discuss the Petition. No property owners attended.

The Petition is a platting requirement for Woodland-Westfield Addition, a new residential development.

The estimated project cost is \$63,000 with the total assessed to the improvement district. The proposed method of assessment is the fractional basis with each lot or tract paying an equal share. The estimated rate of assessment is \$4,200 per tract.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Martz moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-041

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89453, (north of Maple, west of Tyler) in the City of Wichita, Kansas, pursuant to findings of

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Taft Court is a sand road that provides access to an area of single-family homes.

The project budget contained in the Petition is \$25,000 with the total assessed to the improvement district. The method of assessment is the fractional basis with each of the five lots in the improvement district paying an equal share. The estimated rate of assessment is \$4,520 per lot for construction of the street. The project budget includes an estimated amount for the construction of drive approaches which are assessed directly to individual properties and are in addition to the estimated amount to construct the street.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Brandon Lee

Brandon Lee said four of the five homes have children and there is no safe place to ride bicycles. Heavy rains also wash sand and gravel into yards and drives. Mr. Lee urged approval of the petition.

Motion --
-- carried

Martz moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-00-042

Resolution of findings of advisability and Resolution authorizing improving of Taft Court, from the north line of Taft to and including the cul-de-sac (south of Maple, east of 119th Street West) 472-83193 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

COMPLIANCE REPORT COMPREHENSIVE COMPLIANCE REPORT.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-0142.

The City of Wichita provides various financial incentives to attract and encourage business expansions. These include Industrial Revenue Bond financing and Economic Development Tax Exemptions. To qualify for these incentives requires certain commitments, including job creation and private capital investments. To verify compliance with the agreed upon conditions, Staff regularly monitors progress. In addition to these programs, Staff also monitors recipients and agencies utilizing CDBG and HOME funding. Monitoring is performed to ensure conditions of compliance (associated with issuance of revenue bonds, tax exemption approval, CDBG funding, and HOME funding) are met. This Comprehensive Compliance Report provides an analysis of the current status of compliance relative to participating businesses and agencies.

The Comprehensive Compliance Report reflects specific compliance conditions and current status. One of the required conditions for compliance related to the IRB program is submittal of an approved Affirmative Action Plan; 100 percent of the 83 IRB issues (since 1994) are in compliance with this condition. Since 1994, 8,242 new jobs have been created, and 100% of all IRB issues are in compliance with the administrative service fee condition of compliance. Related to Economic Development Tax Exemptions, 38 Wichita businesses report capital investment of over \$49.8 million with creation of 1,556 new jobs.

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Council Member Rogers expressed concern that the report does not show any general minority contractors on any of the projects. In many areas, the City must use competitive bids but low bid does not have to be used in specific situations.

Allen Bell

Financial Projects Director said the requirement for competitive bidding only goes to federal funds. Industrial Revenue Bond companies are free to choose whomever they want and price is sometimes the sole consideration. An effort is being made to reduce the use of long-term relationship companies.

If it is the will of the City Council,. more could be done to have a premium incentive package go with property located in certain areas and be part of the policy.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

Council Member Rogers momentarily absent.

ELECTRIC FRANCHISE FRANCHISE - SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSOCIATION.

Joe Lang

First Assistant City Attorney reviewed the Item.

Agenda Report No. 99-0143.

The City of Wichita has annexed territory within the electrical service area of the Sedgwick County Electric Cooperative Association. Under State law, the Cooperative must obtain a franchise within 180 days of the annexation in order to serve this area in the future. The Cooperative is interested in entering into a short-term franchise with the City on the same general terms as the existing franchise with KG&E (Western Resources).

This non-exclusive franchise with the Cooperative contains the following provisions:

- ? Term expires March 1, 2002, or earlier if the KG&E franchise is terminated sooner.
- ? Can be renegotiated to reflect changes in law or the electrical industry.
- ? Payment of 5% of gross receipts from the sale of electrical energy in the City (same as KG&E).
- ? Subordinate to City control and use of right of way, required to relocate at its own expense for City projects.
- ? New relocations for private development will be at the expense of the developer.
- ? Required to provide as-built drawings of facilities on arterial streets.
- ? City has the right to acquire any street lighting under the same provisions as used in the KG&E franchise.
- ? City must be informed of rate changes.
- ? Indemnity and hold harmless.
- ? Termination and forfeiture for non-compliance.

The franchise provides for compensation to the City of 5% of gross receipts. There will be no immediate revenue until further development or annexation takes place in the service area.

Franchises require three readings, two publications, and a 60 day petition period before becoming effective.

Mayor Knight left the Bench; Vice Mayor Rogers in the Chair.

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CENTER CITY

CENTER CITY NEIGHBORHOOD PLAN.

Ray Ontiveros

Chief Planner reviewed the Item.

Agenda Report No. 00-0144.

During 1999, the Metropolitan Area Planning Department worked with Development Concepts Inc., a private consulting firm from Indianapolis, Indiana and with several neighborhood associations to develop vision and neighborhood plans in four neighborhoods of the City of Wichita. Funding for these plans was provided by the Kansas Department of Commerce and Housing (KDCH) through the Metropolitan Community Capacity Building Grant program.

The Center City neighborhood plan is the first of these four neighborhood plans that has been completed. The Center City neighborhood lies to the immediate east of the City-County government complex. The approximate boundaries are: Main Street on the west; 9th Street on the north; the railroad tracks just east of Santa Fe on the east and 2nd Street on the south. The neighborhood was selected for a number of reasons, the most notable being:

- the desire to protect the area from blight and decay through revitalization;
- the initiative of 10 area churches to participate in the rejuvenation of the area;
- the opportunity to form a partnership with Via Christi Medical Center, a major employer;
- proximity to the nearby employment centers of City Hall, the County Courthouse, USD 259 offices and Via Christi;
- the opportunity to develop new housing in the downtown area; and
- support from members of the Historic Midtown Citizens Association

The plan has been completed within the timeframe set forth by the City of Wichita and the Kansas Department of Commerce and Housing. Workshop sessions were held in September for City Council members and for members of the Center City Organized Revitalization Effort (C.O.R.E.), the local organization leading the planning process. The C.O.R.E. group is composed of 10 downtown churches, Via Christi Medical Center, area banks and businesses, Historic Midtown Citizens Association, and city and county officials. C.O.R.E. has been instrumental in organizing a visioning and goal setting process that led to the partnership with the City to develop this plan for the redevelopment of the area. The result of this partnership is the Center City Neighborhood Plan, a plan which outlines a framework for future redevelopment of the area.

A public hearing, in accordance with Kansas State law, was held on January 13, 2000.

The plan calls for the designation of a portion of this area for new development and also for other areas for phased rehabilitation and remodeling. The plan is not only about housing, but also calls for commercial services (e.g. medical offices); retail establishments (e.g., grocery and restaurants) and community services (e.g., day care center and social service offices) to meet the needs of the residents. As part of the implementation, several important steps will follow. These include land acquisition, the preparation of specific building plans and marketing of new and remodeled housing. The City was recently awarded additional funding (\$10,000) by KDCH for implementation of the plan. At this point, the plan needs to be adopted in order to:

1. Demonstrate to downtown area lenders and investors that a workable neighborhood plan has been prepared by an experienced and qualified consulting firm, and that the neighborhood and City Council are in support of the redevelopment goals found within,
2. Provide evidence to the State of Kansas' Department of Commerce and Housing that the plan, prepared with

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A public hearing, in accordance with Kansas State law, was held on January 13, 2000. Prior to that hearing, the required notice of public hearing was published in the official newspaper. The Planning Commission (MAPC) voted unanimously for adoption (8-0).

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Ken Stewart

Ken Stewart said the plan presents possibilities for providing for neighborhood infrastructure so the neighborhoods can function again as vital part of the City.

The plan should include focus to allow public funding to be utilized in the inner city in the same way as it has been used in the past for fringe area development.

Rick Cline

Rick Cline, Universal Church of Christ, urged approval of the plan.

Tony Rangle

Tony Rangle, architect, encouraged adoption of the plan as a part of the Comprehensive Plan for Community Development.

Motion --

-- carried

Cole moved that the Center City Neighborhood Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan be adopted and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance adopting the Center City Neighborhood Development Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, introduced and under the rules laid over.

CONDEMNATIONS

(The following Item was taken up later in the meeting; action is shown in Agenda order.)

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 00-0145.

On December 21, 1999 a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on two (2) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on February 8, 2000.

On December 6, 1999, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

Property Address	Council District
1. 329 South Leonine	IV
2. 1623 North Estelle	I

Pursuant to State Statute the Resolutions were duly published twice on December 24, 1999 and December 31, 1999. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

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RESOLUTION No. R-00-044

A Resolution finding that the structure located on Lots 17 and 19, Estelle Avenue, Fairmount Orchards, Addition, Sedgwick County, Kansas, commonly known as 1623 North Estelle, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS.

There were no appointments made.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 7, 2000.

Bids were opened February 4, 2000, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains
as per specifications

Hickory Creek from the south line of Lot 49, Block 2, south to the south line of Lot 51, Block 2; Harvest Lane from the south line of Lot 51, Block 2 east to the east line of Harvest Lane Court (Lots 1 through 5, Block 7); Harvest Lane from the most easterly corner of Lot 51, Block 2, west to the west line of the plat; Harvest Lane Court (Lots 53 through 57, Block 2) from the north line of Harvest Lane, north to and including the cul-de-sac; Harvest Lane Court (Lots 1 through 5, Block 7), (Lots 6 through 14, Block 7), (Lots 15 through 21, Block 7), (Lots 22 through 28, Block 7) from the south line of Harvest Lane, south to and including the cul-de-sac to serve Hickory Creek Addition (south of 13th, west of 119th Street West) (472-83183/765614/490725) Does not affect existing traffic. City Council approval date: 01/25/2000. (District V)

Asphalt Construction Company - \$237,306.00 (Negotiated to engineer's estimate)

Storm Water Sewer No. 453 to serve Kansas Surgery and Recovery Center Addition - east of Webb, south of K-96) (468-82394/751281/485172) Does not affect existing traffic. City Council approval date: 05/17/1994. (District II)

Dondlinger & Sons - \$40,649.00

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VARIOUS DEPARTMENTS: Furnish Containers and Trash Collection Services. (037200)

Waste Management of Wichita - \$485.00* (Item 1/per each/per month)

\$ 10.00* (Item 2 /per each/per month)

.00* (Item 2a/additional charge)

\$ 39.00* (Item 3/per each/per month)

.00* (Item 3a/additional charge)

\$ 30.00* (Item 4/per each/per month)

\$ 56.00* (Item 5/per each/per month)

\$ 33.00* (Item 6/per each/per month)

\$ 60.00* (Item 7/per each/per month)

\$ 35.00* (Item 8/per each/per month)

\$ 65.00* (Item 9/per each/per month)

\$ 95.00* (Item 10/per each/per month)

\$ 45.00* (Item 11/per each/per month)

\$ 85.00* (Item 12/per each/per month)

\$ 85.00* (Item 13/per each/per month)

\$125.00* (Item 14/per each/per month)

\$ 60.00* (Item 15/per each/per month)

\$120.00* (Item 16/per each/per month)

\$120.00* (Item 17/per each/per month)

\$180.00* (Item 18/per each/per month)

\$320.00* (Item 19/per each/per month)

\$ 75.00* (Item 20/per each/per pull plus disposal fee)

\$ 25.00* (Item 20a/per each/per month)

\$ 95.00* (Item 21/per each/per haul plus disposal fee)

\$ 95.00* (Item 22/per each/per haul plus disposal fee)

\$ 95.00* (Item 23/per each/per haul plus disposal fee)

\$210.00* (Item 23a/per each/per month)

\$ 75.00* (Item 24 per each/per haul plus disposal fee)

\$ 25.00* (Item 24a/per each/per month)

*Corrected total

VARIOUS DEPARTMENTS: Auto Glass. (130849)

Safelite Auto Glass – 62%* (Percent discount from list price/windshield only)

60%* (Percent discount from list price/all other)

*Windshield repairs (chipped) \$24.95

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSE APPS.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

There were no licenses considered.

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d. 2000 contract maintenance preparatory curb & gutter repair and miscellaneous concrete repairs – northeast of 55th Street South and 155th Street West. (132258) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/07/1999.

Motion --
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., February 18, 2000. Motion carried 7 to 0.

SUBDIVISION PLANS AND SPECIFICATIONS.

a. Zelta/Laguna from the north line of Lincoln to the east line of Lot 33, Block 2; Laguna Court serving Lots 24 through 32, Block 2, from the south line of Laguna to and including the cul-de-sac; Zelta Courts serving Lots 11 through 18, Block 2, from the east line of Zelta to and including the cul-de-sac, and serving Lots 1 through 10, Block 2, from the east line of Zelta to and including the cul-de-sac, and; Sidewalk on the west and north sides of Zelta/Laguna from the north line of Lincoln to the east line of Lot 18, Block 1 to serve Woodland Lakes Estates Second Addition - north of Harry, east of Greenwich. (472-83073/765570/490681) Does not affect existing traffic. City Council approval date: 03/04/1999. (District II)

Motion --
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., February 18, 2000. Motion carried 7 to 0.

PRELIMINARY EST.

PRELIMINARY ESTIMATES:

a. Central, from I-235 to West Street - Central, west of West Street. (87N-0095-01/472-83014/448-88973/468-82911/706762/633156/620252/208230/544380/669377) Minimum of one lane of traffic in each direction at all times. City Council approval date: October 13, 1998. (District IV & VI) - \$3,509,115.41

b. Harry, Webb Road to Greenwich Road - south of Kellogg, east of Rock Road. (87 N-0113-01/472-83091/448-89298/706771/635602/405231/769662) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: April 20, 1999. (District II) - \$2,450,000.00

c. War Industries Sewer Relief Line Phase 2 from Hillside to Pawnee (468-82981/623306/533322) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 01/06/1998. (District III) - \$4,178,011.20

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

PAVE PAWNEE

PETITION TO PAVE PAWNEE COURT IN THE WILDERNESS AT THE PARK ADDITION – SOUTH OF PAWNEE, EAST OF MAIZE. (District V)

Agenda Report No. 00-0146.

On June 8, 1999, the City Council approved a Petition to pave Pawnee Court in the Wilderness at the Park Addition (south of Pawnee, east of Maize). An attempt to award a construction Contract within the budget set by the Petition

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IMPROVEMENTS

PETITIONS FOR PAVING, SANITARY SEWER, DRAINAGE AND WATER DISTRIBUTION SYSTEM TO SERVE GREAT PLAINS BUSINESS PARK SECOND ADDITION – EAST OF OLIVER, SOUTH OF 37TH STREET NORTH. (District I)

Agenda Report No. 00-0147.

The signature on the Petitions represents one owner that owns 100% of the improvement district.

Great Plains Business Park Second Addition was platted in 1991. The developer has submitted new Petitions to rephase the development to accommodate a change in development plan.

The Petitions total \$610,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-046

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89450 (east of Oliver, south of 37th Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-047

Resolution of findings of advisability and Resolution authorizing construction of Lateral 100, Sanitary Sewer No. 23 (east of Oliver, south of 37th Street North) 468-83067, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-048

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 534 (east of Oliver, south of 37th Street North (468-83068) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-049

Resolution of findings of advisability and Resolution authorizing improving of 36th Street North from the east line of Lot 7, Block 1 to the west line of Ridgewood, and on Ridgewood from the south line of 37th Street North to the south line of 36th Street North (east of Oliver, south of 37th Street North) 472-83187 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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and 40 feet east of the BNSF Railroad crossing. Although there are two lanes of eastbound Harry Street which could possibly be used to carry traffic in one lane each direction, the necessary size and depth of the excavation and the proximity and dangers associated with the mainline railroad crossing suggests the detour of the westbound Harry Street traffic during the manhole replacement.

The contractor is requesting the closure of westbound Harry Street at this location from approximately 1:00 p.m. Tuesday, February 8, 2000 through 6:00 p.m. Saturday, February 12, 2000.

The contractor is responsible for the construction barricades, detour signing and notification of affected businesses and residents.

During the closure, westbound Harry Street would be detoured using Southeast Boulevard, Lincoln and St. Francis Streets.

Motion -- carried

Knight moved that the street closure be approved. Motion carried 7 to 0.

CONSULTANT AGMT.

CONTRACT WITH McDONALD, TINKER, SKAER, QUINN & HERRINGTON P.A. - CONTRACT FOR LEGAL SERVICES.

Agenda Report No. 00-0148.

The City retained the law firm of McDonald, Tinker, Skaer, Quinn & Herrington, P.A., to provide legal services for the City in civil rights cases involving police litigation.

It has become necessary to provide additional funds to continue the representation of the City in six pending cases. This will be the second amendment to the original contract.

The additional sum covered by the amendment is \$25,500.00 to continue to defend the City in the litigation. The charges are reasonable in amount for the legal services involved. Payment will be made from the funds budgeted for this contract in the year 2000 budget.

Motion --
-- carried

Knight moved that the Agreement/Contract and fund transfers be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CONST. OVER ESMT.

EASEMENT ENCROACHMENT AGREEMENT. (District V)

Agenda Report No. 00-0149.

Craig Pate, of Craig Pate Construction is requesting an Encroachment of a house overhang 12 inches into the 10 foot drainage easement located along the southwest side of 2529 Hazelwood in Horseshoe Bay.

The Agreement allows the Contractor to occupy 12 inches into the 10 foot drainage easement and waives all rights to action in law arising out of the Encroachment over the easement. In addition, the Contractor agrees to hold the City harmless for any damages to this property that could arise due to the occupation of a portion of the easement.

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Payment will be on a lump sum basis of \$13,200, and will be paid by Water Utility Operating Revenues.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR DESIGN SERVICES FOR THREE PEDESTRIAN BRIDGES OVER THE THIRD STREET DRAINAGE CHANNEL. (District I)

Agenda Report No. 00-0151.

On August 27, 1991, the City Council entered into an Agreement with Mid-Kansas Engineering Consultants, Inc. (MKEC) to study the drainage problems in District I and develop alternative design concepts. On April 6, 1993, the City Council approved a design concept for Third Street, approved funding for design and right-of-acquisition, and on July 13, 1993, the City Council entered into a Supplemental Agreement with MKEC for the design of Third Street Channel. On March 2, 1999, the City Council approved Supplemental Agreement No. 2 for MKEC to provide artistic and construction services to assist the City in the construction of the neighborhood parks adjacent to the Third Street Channel.

The proposed Supplemental Agreement between the City and MKEC provides for engineering services to design three new pedestrian bridges over the Third Street Drainage Channel that were approved by the Kansas Department of Transportation for 80% Federal construction funding. The City Council approved this project on January 11, 2000. Supplemental Agreement No. 3 with MKEC has been prepared.

Payment will be on an hourly basis and not to exceed \$24,000. The funding source is General Obligation Bonds. Funding for the project is included in the 2000 Capital Improvement Program.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

KDOT

K-96 BICYCLE PATH – GROVE PARK TO OLIVER. (District I)

Agenda Report No. 00-0152.

The K-96 Bicycle Path was included in the 1998/1999 Park Capital Improvement Program (CIP No. P-9302), which was approved by the City Council on October 20, 1998.

The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. A City/State Agreement has been prepared.

The project consists of constructing a bicycle path adjacent to the K-96 bypass from Oliver to Grove Park.

The estimated project cost is \$356,000. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

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The proposed Supplemental Agreement between the City and Baughman provides for construction engineering services for the improvements in Belriv Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$4,700, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

COMMUNITY SERVICES 2000 COMMUNITY SERVICES BLOCK GRANT APPLICATION.

Agenda Report No. 00-0154.

The City of Wichita is considered a Community Action Agency under the Community Services Block Grant (CSBG) Act of 1984 and has received federal funds, through the Kansas Department of Commerce and Housing, since the beginning of that legislation. The funds must be used to assist low-income residents and to provide services that have an impact on the causes of poverty.

The City has programmed \$819,584 in CSBG funds for the fiscal year beginning April 1, 2000. The activities in the application include services to the homeless, planning and clean-up in low-income neighborhoods, summer recreation, health services, and payment of costs at the Neighborhood Centers to allow development of the mini-City Hall concept.

The CSBG allocation for Fiscal Year 2000 is \$819, 584. The proposed allocations continue funding social service needs identified in the City Council's Consolidated Plan Priorities. No general operating funds from the City's budget are obligated by this application.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SECURITY SERVICE SECURITY SERVICE CONTRACT AMENDMENT.

Agenda Report No. 00-0155.

The City presently has a contract with Wolf Investigations to provide security for the Main Library and the Downtown Transit Center. Wolf Investigations has requested to increase the hourly per man rate from \$8.88 to \$9.13 (\$0.25 increase) at the Main Library and the hourly per man rate from \$9.75 to \$10.00 (\$0.25 increase) at the Downtown Transit Center. This increase is to cover additional training initiated by the City of Wichita Police Department for new licensing requirements. This is the last renewal year on their contract.

It would be cost beneficial to approve the amendment to Wolf Investigations for the remaining year of the contract as recent bids submitted on security services have been substantially higher than the amended price. The user departments have also indicated they are well satisfied with existing contract performance.

Sufficient funds are budgeted for 2000 in both departmental budgets.

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reviewed the PEC report. On July 13, 1999, the study group submitted a report to the City Council outlining some immediate, short term, and long term actions that should be taken by the City and County to reduce flood risk. The Council approved the recommendations and authorized staff to solicit engineering proposals for the following projects:

1. Dry Creek Overflow Prevention
2. Cowskin Basin Master Drainage Plan
3. Cowskin Channel Improvements – Kellogg to Maple
4. Cowskin Channel Improvements – Maize Road to Central

Staff solicited engineering proposals from twenty-one Consultants nationwide. On September 27, 1999, the Staff Screening and Selection Committee interviewed three firms and selected Black and Veatch, Kansas City, MO to conduct the Master Drainage Plan and Mid-Kansas Engineering Consultants to provide the engineering services for the other three projects. Contracts with these firms have been negotiated.

The 2000 - 2009 Capital Improvement Program (CIP) includes a total of \$11.6 million for Cowskin Creek Drainage projects, funded in equal amounts (\$5.8 million) by City General Obligation (G.O.) bonds and other sources, which could include Sedgwick County participation or Federal funds through either the Corps of Engineers or F.E.M.A. One million of the \$11.6 million is authorized in the CIP as a capital budget for the year 2000. The “Not-to-Exceed Fee” of the engineering services for the Contracts are as follows:

<u>Consultant</u>	<u>Project</u>	<u>Not-to-Exceed Fee</u>
Black & Veatch	Master Drainage Plan	\$385,345
Mid-Kansas Engineering Consultants	Dry Creek Overflow Prevention	\$267,400
	Channel – Kellogg to Maple \$	136,240
	<u>Channel - Maize to Central \$</u>	<u>83,680</u>
	Total MKEC Fee: \$	487,320

The total not-to-exceed engineering fees for these projects is \$872,665. Sedgwick County has agreed to pay 50% of the cost. The City of Wichita’s portion will be \$436,333, to be funded by \$64,793 from remaining 1999 Flood Control funds and the remainder from G.O. Bonds.

Motion --
-- carried

Knight moved that the Contracts be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-00-050

A Resolution for Cowskin Creek Basin flood mitigation projects, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CHENEY PUMP

PUBLIC EXIGENCY PROJECT – REPLACEMENT OF VENTURI METER AT CHENEY PUMP STATION.

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Staff recommends that a replacement meter be purchased and a contractor hired to remove the old meter and install the replacement meter prior to the start of the summer water demand.

Staff located three vendors who can provide a replacement meter with the lowest price from H-E Engineered Equipment for \$28,571 excluding tax. All quotes specified a 12-week delivery period. Preliminary quotes for removing the old valve and installing the new valve estimate the cost at \$9,000.

It is recommended that the 2000 capital budget for the Production & Pumping division be increased by \$38,000 to pay for the meter and cost of a contractor to install the new meter. The funds can be transferred from the contingency budget in Water Administration, so there would be no net increase in the Water Utility operating budget.

City Ordinance 2.64.020 (c), "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding; however, City Council approval is required to amend the budget.

Motion --
-- carried

Knight moved that the City Manager's public exigency approval of the project be affirmed and that the 2000 budget be amended. Motion carried 7 to 0.

FIREFIGHTERS FUND

DECLARATION FOR PARTICIPATION IN FIREFIGHTERS RELIEF FUND FOR 2000.

Agenda Report No. 00-0158.

The Declaration for Participation must be executed and filed each year to allow the local Firefighters Relief Association to participate in the distribution of the State Firefighters Relief fund Tax. This distribution will be for the year 1999.

The Wichita Firemen's Relief Association received \$545,963.42 .in the 1999 distribution. The City has had a Wichita Firemen's Relief Association since 1896 and has participated in the Association for more than 80 years. The certification is for calendar year 2000.

The Firefighters Relief fund was created by K.S.A. 40-1701 and K.A.R. 40-10-1, et seqs.

Motion -- carried

Knight moved that the declaration be approved and the necessary signatures be authorized. Motion carried 7 to 0.

BRIDGE ORD.

AMENDING ORDINANCE – 37TH STREET BRIDGE OVER THE LITTLE ARKANSAS RIVER. (District VI)

Agenda Report No. 00-0159.

On August 9, 1996, the City Council approved an Ordinance authorizing design of improvements to the 37th Street Bridge over the Little Arkansas River. On June 6, 1998, the City Council approved a Construction Ordinance. The Law Department has recommended that the two Ordinances be combined.

An Amending Ordinance has been prepared to combine the previous Ordinances.

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PROPERTY ACQ.

ACQUISITION OF 2221, 2225, 2301, AND 2305 EAST 9TH STREET FOR THE PROPOSED 9TH STREET MEDICAL CORRIDOR PROJECT. (District I)

Agenda Report No. 00-0160.

The property at 2221 and 2225/2301/2305 East 9th have been identified as potential opportunity purchases. 2221 East 9th has 5,500 square feet and is improved with an 800 square foot brick retail building. 2225-2301-2305 East 9th has an 11,000 square foot site and is improved with a 5,760 square foot masonry, multi-tenant retail facility. Recent occupants include a liquor store, bar and pool hall. The condition and usages have had a negative impact on the area. The owners have offered these properties to the City.

The owner of 2221 East 9th has agreed to sell the property for \$18,500 and the owner of 2225/2301/2305 East 9th has agreed to sell for \$49,500. The City will also be responsible for back taxes totaling \$7,700, bring the purchase price for both properties to \$75,700. The properties were appraised for \$95,000. If acquired, the properties will be demolished and held for redevelopment.

A budget of \$88,000 is requested. This includes \$68,000 for the acquisition, \$11,000 for demolition cost and \$9,000 for closing costs, back taxes and title insurance. The source of funding is Property Management Special Revenue Fund Contingency.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

BUDGET TRANSFER

PARKING REVENUE TRANSFER.

Agenda Report No. 00-0161.

As part of the City's 1999/2000 Annual Budget, the City Council approved establishment of the Parking Services Fund, a special revenue fund designed to collect revenues from City-owned downtown parking facilities and surface lots and pay for future downtown parking improvements, parking operating costs, and other related expenses.

Although revenues were budgeted for collection by the fund starting in 1999, no expenditures were budgeted for 1999, and the fund was not scheduled to become fully operational until 2000. Consequently, the Parking Services Fund accrued slightly less than \$251,000 in revenues in 1999 with no offsetting expenditures. The 1999 funds are more properly attributed to the General Fund.

Because the Parking Services Fund was not operational in 1999, none of the revenues collected were necessary to meet obligations. These funds may be transferred to the General Fund.

Budget adjustments in excess of \$10,000 require City Council approval.

Motion --carried

Knight moved that the transfer of funds be approved. Motion carried 7 to 0.

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Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 00-051

A Resolution amending Resolution No. R-96-148 of the City of Wichita approving the initiation of a project to acquire a parking garage and declaring it to be the intention of the City to issue general obligation bonds in an amount not to exceed \$1,620,000 to pay all or a portion of the costs of such project, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCES

SECOND READING ORDINANCE: (FIRST READ FEBRUARY 1, 2000)

a. Wichita Employees' Retirement System, employee/employer contribution and post-retirement adjustment.

ORDINANCE NO. 44-494

An Ordinance amending Sections 2.28.245, 2.28.280 and 2.28.530 of the Code of the City of Wichita, Kansas, pertaining to the incorporation of revisions to the Wichita Employees' Retirement System, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

FIRST READING ORDINANCE.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

a. Sidewalk repair.

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

PLANNING AGENDA

Marvin Krout, Director of Planning, said all Items, except 31, could be considered as consensus Items.

Motion -- carried

Knight moved that all Planning Agenda Items, except 31 be approved as consensus Items. Motion carried 7 to 0.

D-1783

D-1783 - DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF 21ST STREET NORTH AND WACO. (District VI)

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D-1784

**D-1784 - DEDICATION OF A UTILITY EASEMENT FOR PROPERTY LOCATED ON THE
SOUTHEAST CORNER OF 21ST STREET NORTH AND WACO.** (District VI)

Agenda Report No. 00-0164.

This Dedication is a requirement of an associated Lot Split Case (L/S-1030) and is being made for the purpose of construction and maintenance of public utilities.

The Dedication will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the document be received and filed. Motion carried 7 to 0.

S/D 99-73

**S/D 99-73 - PLAT OF 127TH RETAIL ADDITION LOCATED ON THE SOUTHWEST CORNER OF
127TH STREET EAST AND CENTRAL.** (District II)

Agenda Report No. 00-0165.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

Although this site is located in the City of Wichita, it will use the County's Four Mile Creek sanitary sewer system and petitions for improvements will be handled by the County. Other petitions, 100%, have been submitted for water, paving and street improvements. Both City and County Certificates of Petitions have also been submitted. This site is also subject to the 127th Retail Center Community Unit Plan (DP-247). A CUP Certificate was provided identifying the approved Community Unit Plan. To provide for shared access and circulation between the lots, a cross-lot circulation agreement and joint access easements have been provided. A cash guarantee has been provided to assure the closure of driveways currently located in an area platted with complete access control.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions, cross-lot circulation agreement, CUP Certificate, and joint access easements, will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-00-052

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89454 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-053

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RESOLUTION NO. R-00-055

Resolution of findings of advisability and Resolution authorizing construction of a decel lane on the west side of Central Avenue, Project No. 472-83196 (south of Central, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-056

Resolution of findings of advisability and Resolution authorizing construction of a left turn lane on Central Avenue to serve the major entrance of 127th Retail Addition to Central Avenue, Project No. 472-83197 (south of Central, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Item No. 31)
CU-552

CU-552 - CONDITIONAL USE TO ALLOW A CAR WASH WITHIN 200 FEET OF RESIDENTIAL PROPERTY, GENERALLY LOCATED NORTH OF 37TH STREET NORTH AND EAST OF WOODLAWN. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-0166.

MAPC Recommendation: Approve, subject to conditions (6-4).

Staff Recommendation: Approve, subject to conditions.

The applicant is requesting a Conditional Use to allow a car wash to be located within 200 feet of a residential zoning district. The application area is a 0.76 acre platted tract located east of Woodlawn and north of 37th Street North. The site is currently zoned "LC" Limited Commercial.

The plan shows a seven-bay car wash. Six of the seven car wash bays are depicted as self-service, with the seventh bay depicted as an automatic car wash. These wash bays are located 67 feet west of the east property line. The site plan also depicts four vacuums located east of the wash bays, on the eastern property line. Fourteen parking spaces are also shown along the east property line. The parking spaces are to be used for drying or vacuuming. The facility would have one access to Woodlawn.

Property to the east of the site is zoned "MF-18" Multi-Family and is developed with condominiums. Property to the south is zoned "LC" Limited Commercial and is developed with a drive-in restaurant and a convenience store. North of the site is currently undeveloped and was recently approved for "NR" Neighborhood Retail zoning subject to pending platting. West of the site is located in the City of Bel Aire and is currently undeveloped property with Bel Aire's B-1 General Commercial zoning.

Key Unified Zoning Code car wash "supplementary use requirements" include: buildings to be located at least 35 feet from arterials and 20 feet from other street right-of-way; 60 from the lot line of any residentially zoned lot, unless the property is being used for a nonresidential use permitted by-right in the underlying district; fencing, a

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property owners further than 200 feet from the site) of the proposed Conditional Use have been received. MAPC recommended approval (6-4) of the Conditional Use subject to the following conditions:

- A. The site shall be developed and maintained in compliance with all the requirements of Section III-D.6.f of the Unified Zoning Code.
- B. No dryers shall be associated with automatic wash bays.
- C. The applicant shall submit a landscape plan for approval by the Planning Director, prior to issuance of a building permit, that meets the ordinance's requirements.
- D. The applicant shall submit a revised site plan for approval by the Planning Director, prior to issuance of a building permit, that locates the vacuums along the north or west property lines with no vacuums located in the eastern 1/3 of the north property line, provides an area for the required landscape buffer along the east and north property lines, and indicates the location and type of fencing along the east and north property lines. The site shall be developed in general conformance with the approved site plan. All improvements shall be completed before the facility becomes operational.
- E. Any violation of the conditions of approval shall declare the Conditional Use permit null and void.

Motion --

Pisciotte moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the request be denied based on the following findings of fact:

- 1. A carwash is unique in its impact on nearby residential properties, in terms of noise (noise from car radios as well as the washing and drying equipment), trash, and hours of operation. (24 hours). There is no other zoning established on the east side of Woodlawn in this general area that would allow this use. The zoning code recognizes that car washes may have a unique impact and should be judged on a case-by-case basis by treating them as Conditional Uses when they are within 200 feet of residential districts, as in this case.
 - 2. The property is zoned "Limited Commercial" today and in a developing area. This zoning district provides for a wide variety of retail and office uses that would have less impact on the nearby residential properties.
 - 3. The public is already adequately served by two existing car washes within less than a mile of the site, both of them located more appropriately distant from single family homes.
 - 4. Neighborhood opposition to this request is substantial, as indicated by the dozen protest letters
- carried

Z-3350

Z-3350 - REQUEST FOR ZONE CHANGE FROM SF-6 TO LC, GENERALLY LOCATED SOUTH OF MAPLE AND EAST OF RIDGE ROAD. (District V)

Agenda Report No. 00-0167.

MAPC Recommendation: Approve, subject to the additional provisions of a (P-O) Protective Overlay District (9-0).

Staff Recommendation: Approve, subject to the additional provisions of a (P-O) Protective Overlay District.

The applicant requests a zone change from "SF-6" Single Family Residential to "LC" Limited Commercial on a 0.5 acre platted tract located south of Maple and east of Ridge. The applicant proposes to rezone to allow for retail

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Protective Overlay limiting signage, lighting, and building height and requiring a six foot high masonry wall along the south property line. However, this zone change was not enacted and the case was closed due to failure by the applicant to plat the property.

To buffer proposed commercial development on the subject property from residences to the south and east, planning staff is recommending that a Protective Overlay be approved to continue the development controls established during the approval of the zoning changes on the adjacent properties to the north. This Protective Overlay would limit signage, lighting, noise, and building height; require a six foot high masonry wall along the south and east property lines; prohibit certain uses incompatible with residential development; and require dedication of street right-of-way and access control along Ridge and a utility easement.

At the meeting held on January 13, 2000, MAPC recommended approval (9-0) of the zone change subject to the following conditions of a Protective Overlay:

- a. No off-site or portable signs shall be permitted on the property. No building advertising signs shall be permitted along the south or east face of any building.
- b. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from nearby residential areas. Light poles shall be limited to a maximum height of 14 feet.
- c. Outdoor speakers and sound amplification systems shall not be permitted.
- d. No buildings shall exceed one story in height with a maximum building height of 25 feet.
- e. A 6 foot high masonry wall shall be constructed along the south and east property lines where a residential zoning district abuts the site.
- f. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; group home; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; restaurant with drive-in or drive-through facilities; service station; tavern and drinking establishment; and vehicle repair.
- g. By separate instrument, the applicant shall dedicate additional right-of-way for Ridge Road per pursuant to Article 7-201(H) of the Wichita-Sedgwick County Subdivision Regulations, access control except for one opening along the entire frontage of Ridge Road, and two additional feet (for a total of 10 feet) of utility easement along the east property line.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

AIRPORT AGENDA

The City Council is meeting as the Wichita Airport Authority and the members of the governing body are the members of the Wichita Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion

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investment. During the first year of the agreement, a minimum of \$44,500 in revenue will be generated (\$64,500 less \$20,000). During the last two years, \$64,500 each year will be generated.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

OFF AGENDA ITEMS

ECONOMIC DEVELOPMENT INCENTIVES IN TARGET AREAS.

Motion -- carried

Knight moved that the rules be set aside and a matter be taken up off the Agenda. Motion carried 7 to 0.

Council Member Rogers

Council Member Rogers asked that he be permitted to meet with the City Manager and the Financial Projects Director to develop a list of incentives for Council approval that might be used to encourage development in target areas.

Consensus of the Council was to allow Council Member Rogers to meet with the City Manager and the Financial Projects Director to review or develop additional incentives, to be approved by the City Council, that might be used to encourage development in target areas.

SCHOOL BOND ISSUE

Consensus of the City Council was that a Resolution in support of the school bond issue be brought to the Council for approval at the February 15, 2000, meeting.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation, legal advice, and contract negotiations; personnel matters of non-elected personnel; and the regular meeting be resumed at 12:05 p.m. in the City Council Chambers. Motion carried 7 to 0.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 12:10 p.m.

Pat Burnett CMC
City Clerk